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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/647,521	08/25/2003	Gerald Richter	10541-1832	2280
29074	7590	07/16/2007	EXAMINER	
VISTEON			CIRIC, LJILJANA V	
C/O BRINKS HOFER GILSON & LIONE			ART UNIT	PAPER NUMBER
PO BOX 10395			3744	
CHICAGO, IL 60610				

  

MAIL DATE	DELIVERY MODE
07/16/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/647,521	RICHTER ET AL.
	<b>Examiner</b> Ljiljana (Lil) V. Ceric <i>LVC</i>	<b>Art Unit</b> 3744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 16 April 2007.  
 2a) This action is **FINAL**.                  2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-8, 11 and 12 is/are pending in the application.  
 4a) Of the above claim(s) none is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-8, 11 and 12 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 31 March 2006 is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date: _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date: _____	5) <input type="checkbox"/> Notice of Informal Patent Application
	6) <input type="checkbox"/> Other: _____

## **DETAILED ACTION**

### ***Response to Amendment***

1. This Office action is in response to the reply filed on April 16, 2007.
2. Claims 1 through 8, 11, and 12 remain in the application. All of these claims have been amended, either directly or indirectly.

### ***Response to Arguments***

3. Applicant's arguments filed on April 16, 2007 have been fully considered but they are moot in view of the new ground(s) of rejection necessitated by amendment and presented herein.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.
- (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

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5. Claims 1 through 8, 11, and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Kawauchi et al. ('008, previously of record).

Kawauchi et al. discloses a vehicle temperature system essentially as claimed, including, for example: a housing 11 having an intake opening duct and an output opening readable on any one of discharge openings 22, 26a, and 27a; an evaporator core 13c; a heater core 14c disposed in the housing 11 downstream from the evaporator core 13c in a generally side-by-side relationship; a separation wall or fixed air deflector having a first end and a second end, the first end being attached to a first portion of the heater core 14c as shown in Figure 1 and extending at least partially along the length of the heater core 14c in the space between the evaporator core 13c and the heater core 14c as also shown in Figure 1; a blower 12 disposed in the housing 11 upstream from the evaporator core 13c; and, a drain area and corresponding drain hole 15 formed through the housing 11 adjacent to the evaporator core 13c as shown in Figure 1. The separation wall also isolates a cold air portion and a hot air portion of the space between the evaporator core 13c and the heater core 14c, with the cold air portion being adjacent to the evaporator core 13c and the hot air portion being adjacent to the heater core 14c. The separation wall or fixed air deflector also defines a mixing channel or area (in conjunction with the temperature mixing air flaps 16) for mixing, for example, cold air generated by the evaporator core 13c and hot air generated by heater core 14c.

The reference thus reads on the claims.

6. Alternately, claims 1 through 8, 11, and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Nakamura et al. ('857, previously of record).

Nakamura et al. discloses a vehicle temperature system essentially as claimed, including, for example: a housing 11 having an intake opening duct 14, and an output opening readable on any one of discharge openings 21, 25, 28, 29, 40, and 41; an evaporator core 12; a heater core 13 disposed in the housing 11 downstream from the evaporator core 1 in a generally side-by-side relationship; a separation

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wall or fixed air deflector having a first end and a second end, the first end being attached to a first portion of the heater core 13 as shown in Figure 1 and extending at least partially along the length of the heater core 13 in the space between the evaporator core 12 and the heater core 13 as also shown in Figure 1; a blower (not shown; see column 2, line 42) disposed in the housing 11 upstream from the evaporator core 12; and, a drain area and corresponding drain hole 11a formed through the housing 11 adjacent to the evaporator core 12 as shown in Figure 1. The separation wall also isolates a cold air portion and a hot air portion of the space between the evaporator core 12 and the heater core 13, with the cold air portion being adjacent to the evaporator core 12 and the hot air portion being adjacent to the heater core 13. The separation wall or fixed air deflector also defines a mixing channel or area (in conjunction with the temperature mixing air flaps 16) for mixing, for example, cold air generated by the evaporator core 12 and hot air generated by heater core 13.

The reference thus reads on the claims.

### *Conclusion*

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ljiljana (Lil) V. Cirim whose telephone number is 571-272-4909. The examiner works a flexible schedule, but can normally be reached weekdays between 10:30 a.m. and 6:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cheryl J. Tyler can be reached on 571-272-4834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Ljiljana (Lil) V. Cirim  
Primary Examiner  
Art Unit 3744